

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26TH DAY OF APRIL 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request

Richard C. & Eleanor K. Duffner (Agent: Jacqueline Watson) request to rezone approximately 0.4 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow automotive, light truck sales, service, rental, display and repair. The property is located at 1533 Testerman Drive (Rte. 792) and is identified as Tax Parcel Nos. 90-5-7, 40B (Acct ID # 014148, 014149) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Planning Director presented a brief overview of the request. The request is to allow the expansion of an existing business, Thompson Chrysler, Dodge, which has been in operation for many years. They wish to rezone 0.4 acres to enlarge the area's growing commercial base. Access from the property will be from an adjacent property, therefore no new entrance will be needed. At their April 14, 2004 meeting, the Planning Commission found the rezoning to be conformance with the comprehensive plan and recommended approval with five conditions.

Jacqueline Watson, agent for the applicant, was present to address any concerns or answer any questions by the Board of Supervisors.

There being no further speakers, the public hearing was closed.

Special Use Permit

Quorum Holding Corporation (Agent: Gay and Keesee, Inc.) requests a Special Use Permit on 2.029 acres in General Business (GB), with possible conditions, to allow a mixed use building containing retail sales and mini warehouses. The property is located at 3950 South Main Street and is identified as Tax Parcel Nos. 67-4-5F (Acct ID # 035453) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Planning Director presented a brief overview of the request. The applicant is proposing to construct a mixed-use building containing retail and indoor mini-warehouses on 1.375 acre lot locate at 395 South Main Street. The retail services will be on the main level facing South Main Street and the indoor mini-ware houses will be on the second floor with a rear entrance. The applicant by right can operate retail sales since the property is already zoned general business. A special use permit is required for uses such as the mini-warehouses. The Planning Director pointed out that Tuck - It In Storage is located behind this property and foresees no significant negative impacts.

At their April 14, 2004 meeting, the Planning Commission recommended approval with four conditions. The Planning Commission reported the applicant has cleaned up this site and this proposal would be an improvement to the area.

John Neel, Gay & Keesee, Inc, agent, addressed the Board on behalf of Quorum Holding Corporation. The request will allow retail sales in the front and indoor mini-warehouses in the rear. These mini-warehouses will be indoors and climate controlled. Mr. Neel stated he has met with the County Engineer and worked out details with the drainage issue.

There being no further speakers, the public hearing was closed.

Special Use Permit

Thomas A. & Penny S. Taylor (Agent: Dallas A. Taylor) request a Special Use Permit on 0.5 acre in Agriculture (A-1), with possible conditions, to allow custom meat cutting, processing and packaging. The property is located at 2911 Pepper's Ferry Road and is identified as Tax Parcel No. 64-A-143G (Acct ID # 021808) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Planning Director presented a brief overview of the request. The applicant is requesting a special use permit to allow a custom meat cutting, processing and packaging business. A meat processing business has operated at this site since 1995 and is known as Taylor's Meat Cutting. The owner has indicated that he was given permission by a Montgomery County Judge in 1995 to operate this business, however, there is no record of this. The operation of this business will be seasonal, open during hunting season. The only meat that will be processed at this site will be deer. At their April 14, 2004 meeting, the Planning Commission recommended approval of this request with six conditions.

Dallas Taylor, applicant, addressed the Board concerning his request. He stated he is the owner and operator of Taylor's Meat Cutting. The business is in operation only a few months out of the year and he believes it does not negatively impact the community or create a lot of traffic. He stated a large part of his business is involved in the "Hunters for the Hungry" program by processing venison taken through the Blacksburg Deer Management Program and donated to the "Hunters for the Hungry". Mr. Taylor asked the Board for their support in his request.

There being no further speakers, the public hearing was closed.

Special Use Permit

Roy G. Lochner requests a Special Use Permit on 9.23 acres in Agriculture (A-1), with possible proffered conditions, to allow a family subdivision of property in excess of the amount allowed under sliding scale. The property is located on the east side of North Fork Road approximately 3000 ft. south of the Ironto Road intersection, and is identified as Tax Parcel No. 58-3-1 (Acct ID # 100553) in the Mount Tabor Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Planning Director presented a brief overview of the request. The applicant has requested the division of a 9.23 acre lot into two lots in order to give a one acre lot to a family member. Under the sliding scale regulations of the zoning ordinance in Agriculture, a property owner is permitted three divisions or lot assignments with a 9 acre lot. However, this tract was part of a larger tract that was divided in 2003 and leaving no additional assignments. When Mr. Lochner purchased this property he was not aware of this restriction and thought he had three lot assignments left. The plat when recorded in the Clerk of Circuit Court Office, was reduced and was unreadable.

At their April 14, 2004 and April 21, 2004 meetings the Planning Commission discussed this issue and found it to be a unique situation in which the plat was reduced to such a small scale that the information contained on it was unreadable. Due to the uniqueness, the Planning Commission recommended approval of this request.

Roy Lochner, applicant, explained his situation to the Board. He would like to give a family member a one acre lot, leaving him with 8.23 acres. He was not aware there were no lot assignments available until he requested permission from the Planning Department. During the process of purchasing this property even the title company did not find this information due to the plat being reduced too small. Mr. Lochner asked the Board for their consideration of this unique situation and grant him the right to assign a one acre lot to a family member.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Tom Dunkenberger addressed the Board in support of the Meadowbrook Public Library. Speaking on behalf of the Library Foundation, Mr. Dunkenberger stated the Foundation is committed to raising \$300,000 for the purchase of books and interior furniture for the Meadowbrook Public Library. He urged the Board to continue their support.

Ann Hess, Chair for the Social Services Board, requested additional funding of \$16,000 for the Department of Social Services to hire an additional 1.5 positions for eligibility workers. This would be a 50/50 match, 50% Federal and 50% County. Ms Hess also expressed her concerns with the lack of a state budget and how this will effect the Department of Social Services. Their budget year runs June to May and without a budget they will not be able to operate. All of their programs will be shut down creating a serious situation. Ms Hess stated she will keep the Board informed of this situation.

Aldene Vest addressed the Board with concerns about the lack of an ordinance to control cats. Ms. Vest stated she lives in Fountain Mobile Home Park where there are over 200 stray cats. She asked the Board to consider adopting an ordinance to help control the cats.

Supervisor Biggs noted that she has, over the years, brought this matter to the attention of the Board. She

believes this is a problem and something needs to be done. She noted that other counties have ordinances in place in order to control stray and feral cats. She requested that the County look into this problem.

Supervisor Muffo suggested the County request students at Virginia Tech or Radford University conduct a study on the cat population.

Supervisor Marrs suggested that the County's Animal Control investigate what localities regulate cats and what the cost is.

Supervisor Biggs stated she would bring the matter up during her report later in the meeting in order to get the process started.

Alicia Spitzer spoke in support of the proposed FY 2004-2005 budget. She expressed concerns with the lack of a state budget and the unknowns when it comes to funding. She addressed the importance of education and that high quality education is not free. She believes the county is neither retaining nor recruiting quality teachers due to the low salary band. Ms. Spitzer supports the five cent increase in real estate tax in order to provide additional monies to the schools to help fund teacher raises.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated April 26, 2004 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
James D. Politis	

Approval of Minutes

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the minutes dated April 1, 2004 and April 12, 2004 were approved.

Montgomery Museum/Lyric Theatre Grant: Supplemental Appropriation

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

911	Montgomery Museum Grant	\$2,500
	Lyric Theatre Grant	<u>2,500</u>

Total \$5,000

The source of the funds for the foregoing appropriation is as follows:

Revenue Account:

424401 State Grants \$5,000

Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

Sheriff - Emergency Management Block Grant Appropriation

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004 for the function and in the amount as follows:

321 Sheriff Grants \$15,381

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401 State Grants \$15,381

Said resolution appropriates monies from an Emergency Management Block Grant.

Sheriff - Recovered Costs

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

320 Sheriff – County \$2,376

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108 Recovered Costs \$ 2,376

Said resolution appropriates funds received as recovered costs.

Commonwealth's Attorney Forfeited Asset Sharing Program

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

200 Commonwealth's Attorney \$322

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419104 Confiscations-Commonwealth's Attorney \$322

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Social Services - Additional Appropriation

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

540 Social Services \$3,118

The source of the funds for the foregoing appropriation is as follows

Revenue Account

424102 Public Assistance \$3,118

Said resolution appropriates additional funding received for the Energy Assistance Program.

Fairview District Home-Transfer from General Contingencies

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized as follows:

FROM:

950 General Contingencies (\$2,320)

TO:

910 Other Agencies

Fairview District Home \$2,320

Said resolution transfers appropriated funds from General Contingencies to cover Montgomery County's share of the additional operating expenses.

Pretreatment Agreement - Pepper's Ferry Regional Wastewater Treatment Authority

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Pretreatment Agreement between Pepper's Ferry Regional Wastewater Treatment Authority and the County of Montgomery, Virginia.

BE IT FURTHER RESOLVED, That the Board hereby authorizes James D. Politis, Chair of the Board of Supervisors, to sign the Agreement on behalf of the County of Montgomery, Virginia.

E-911 - Street Names -Goblers Knob

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, There are five (5) residences on a private road located off Happy Hollow Road (SR 815), and the property owners have petitioned the county to name this street Goblers Knob; and

WHEREAS, Goblers Knob complies with the County Street Name Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that, after duly considering said request, the Board hereby approves the use of the name Goblers Knob.

Industry Appreciation Week

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors recognizes the role of existing businesses and industries in the thriving economy of Montgomery County; and

WHEREAS, Existing businesses and industries provide essential employment opportunities for the citizens of Montgomery County; and

WHEREAS, Existing businesses and industries make significant contributions to promote educational opportunities and a variety of activities which increase the quality of life in the County; and

WHEREAS, Existing businesses and industries provide revenues from which the entire citizenry benefit.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby recognizes the existing businesses and industries of Montgomery County.

FURTHER, BE IT RESOLVED , That the Board of Supervisors hereby declares the week of **May 16-22, 2004 Industry Appreciation Week** in Montgomery County.

NEW BUSINESS

Contractual Agreement Between the Commonwealth's Attorney and Montgomery County - Costs Collection Unit

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby approves of the County contracting with the Circuit, General District, and Juvenile and Domestic Relations Courts and the Commonwealth's Attorney's Office for the purpose of establishing a formal collection program to collect unpaid fines, costs, penalties, forfeitures and restitution.

BE IT FURTHER RESOLVED, The Board hereby authorizes the County Administrator to sign and execute all appropriate documents and agreements subject to the approval for form and legal sufficiency by the County Attorney.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
John A. Muffo	
Doug Marrs	
Steve L. Spradlin	
Mary W. Biggs	
James D. Politis	

Long Shop/McCoy Fire and Rescue - Capital Reserves Fund

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004 is hereby authorized as follows:

General Fund

02-451209	Transfer to County Capital Projects Fund	
	Long Shop/McCoy Fire & Rescue Building	\$ 27,448

The source of funds for the foregoing appropriation is as follows:

02-451203	Undesignated General Fund Balance	\$27,448
	Capital Reserve	

BE IT FURTHER RESOLVED, That an appropriation to the County Capital Projects Fund for the fiscal year ending June 30, 2004 is hereby authorized, as follows:

County Capital Fund

330	Long Shop/McCoy Fire & Rescue Building	\$27,448
-----	--	----------

The source of funds for the foregoing appropriation is as follows:

12-451100	Transfer from General Fund	\$27,448
-----------	----------------------------	----------

Said resolution transfers funds from the General Fund to the County Capital Projects Fund to cover the cost of excavation of bad soil at the Long Shop/McCoy Fire & Rescue Building site.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Steve L. Spradlin	
James D. Politis	

Planning Commission - Appointment to Extend Term

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby reappoints **Don W. Linkous** to the Montgomery County Planning Commission for a term of one year beginning June 1, 2004 and ending May 31, 2005 in order to allow him to remain on the Commission until the adoption of the new County Comprehensive Plan process is complete.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Gary D. Creed	
John A. Muffo	
James D. Politis	

Planning Commission - Appointment to Extend Term

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby reappoints **Kathryn A. Brennan** to the Montgomery County Planning Commission for a term of one year beginning June 1, 2004 and ending May 31, 2005 in order to allow her to remain on the Commission until the adoption of the new County Comprehensive Plan process is complete.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Gary D. Creed	

John A. Muffo
James D. Politis

Jail Space Study

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator and the Sheriff to proceed with discussions and negotiations with Roanoke County and others to participate in a jail needs assessment study.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

Supervisors Biggs noted this resolution only gives the authority to participate in a study for jail needs assessment. She reminded the Board to take into account the Sheriff's statement that his preference is a local jail to serve the Montgomery County community, but would not object to participating in this study.

INTO WORK SESSION

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Meadowbrook Public Library
2. FY 2004-2005 Budget and Tax Rate

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Annette S. Perkins	
Steve L. Spradlin	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
James D. Politis	

Meadowbrook Branch Public Library

The County Administrator presented a proposed plan for the Meadowbrook Branch Public Library. Oliver, Webb, Pappas & Rhudy, Inc., Architect and Engineer firm, submitted a renovation plan and estimated costs for four phases. Phase I - 3,789 square feet @ \$440,910, Phase II - 4,638 square feet @ 296,730, Phase III - 2,604 square feet @ \$118,800, and Phase IV-1,538 square feet @\$230,700, totaling 12,569 square feet @ \$1,087,140. The estimated costs are for construction only and does not include architect/engineering, books, furniture and fixtures, and computers. There is a total of \$479,000 in the capital budget for this project. Possible combinations of phases would potential save money: Phases I & II are estimated to cost \$728, 514; and Phases I, II, & III are estimated at \$828,428. The Library Foundation has committed to raising \$300,000 for the collection of books and the Library Board has received donations for the Meadowbrook Branch Public Library and a donation of used computers. An estimated \$310,000 will be needed to complete Phase I&II; and \$417,000 will be needed to complete the construction of Phases I, II, & III.

Following discussion by the Board of Supervisors, the County Administrator was instructed to add two proposed resolutions to the May 10, 2004 agenda, one to proceed with Phase I & II and the second to proceed with Phase I, II, & III.

FY 2004-2005 Budget and Tax Rate

The County Administrator reviewed the proposed FY 2004-2005 budget and the real estate tax rate. To fully fund the proposed budget a four cent tax increase is needed, a 68 cent tax rate. A tax rate of 69 cents was advertised, which is a five cent increase. This rate would add \$458,000 to the proposed budget. A three cent tax increase would reduce the proposed budget by \$458,000, and a two cent tax increase would reduce the proposed budget by \$916,000. The County Administrator also provided the Board with charts of how undesignated dollars were used in prior years, as requested by the Board.

The Board of Supervisors discussed each option and each expressed their opinion about the increase in the real estate tax rate.

OUT OF WORK SESSION

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

OTHER BUSINESS

FY 2004-2005 TAX RATE

Motion # 1 - 69 Cent Real Estate Tax Rate

Supervisor Biggs made a motion, seconded by Supervisor Perkins, to adopt a 69 ¢ real estate tax rate for FY 2004-05.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	Gary D. Creed
Annette S. Perkins	Doug Marrs
	Steve L. Spradlin
	John A. Muffo
	James D. Politits

Motion Failed

Motion #2 - 68 ¢ Real Estate Tax Rate

Supervisor Muffo made a motion, seconded by Supervisor Biggs to set the real estate tax rate for FY 2004-05 at 68 ¢.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	Steve L. Spradlin
John A. Muffo	Doug Marrs
Annette Perkins	Gary D. Creed
	James D. Politis

Motion Failed

Motion #3 - 67 ¢ Real Estate Tax Rate

Supervisor Marrs made a moiton, seconded by Supervisor Muffo to set the FY 2004-05 real estate tax rate at 67¢.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	Steve L. Spradlin
Jonn A. Muffo	Mary W. Biggs
	Annette S. Perkins
	Gary D. Creed
	James D. Politis

Motion Failed

Motion #4 - 66¢ Real Estate Tax Rate

Supervisor Marrs made a motion, seconded by Steve L. Spradlin, to set the FY 2004-05 real estate tax rate at 66¢.

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
Steve L. Spradlin
James D. Politis

NAY

John A. Muffo
Annette Perkins
Doug Marrs
Mary W. Biggs

Motion Failed

Motion #5 - 66.5¢ Real Estate Tax Rate

Supervisor Creed made a motion for a 66.5 ¢ real estate tax rate. The motion died due to lack of a second.

FY 2004-2005 Tax Rate

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby instructs the Commissioner of the Revenue of Montgomery County, Virginia to levy, beginning January 1, 2004 and ending December 31, 2004 the sum of 67¢ Per \$100 of the assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, The Commissioner of the Revenue is instructed to levy for said period other property taxes as follows:

<u>Category</u>	<u>Tax Rate Per \$100 of Assessed Valuation</u>
Tangible Personal Property	\$2.45
Machinery and Tools	\$1.82
Merchants Capital	\$4.50

FURTHER, That the Treasurer of Montgomery County, Virginia is hereby directed to collect the taxes so assessed, and the Clerk of the Board shall forward a copy of this order to said Commissioner of the Revenue and the Treasurer.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Annette S. Perkins
John A. Muffo
James D. Politis

NAY

Mary W. Biggs
Steve L. Spradlin
Gary D. Creed

COUNTY ADMINISTRATOR'S REPORT

Sheriff - DMV Grant The County Administrator reported that the Sheriff's Department wishes to pursue a grant opportunity to seek Department of Motor Vehicles (DMV) grant funds for developing an accident reconstruction team in Montgomery County. No local match funds are necessary other than assigning two members of the Sheriff's Department to serve on the team. The Sheriff has requested the County front the project money of \$18,500 and seek reimbursement once grants funds are available.

BOARD MEMBERS' REPORTS

Supervisor Spradlin Price's Fork Road Due to the recent tragic automobile accident on Price's Fork Road, Supervisor Spradlin asked that VDOT be requested to review the road for drop offs and the need for guardrails.

Parks and Recreation - Rules and Regulations for Referees - Supervisor Spradlin forwarded the concerns by certain Board members that referees in the past were not trained on the rules for each sporting event held in Montgomery County, i.e. tee ball, softball, to the Parks and Recreation Director. The Parks and Recreation Director reported that all referees are given a manual on the rules and regulations for each sport and are required to know them.

Fire & Rescue Task Force At the last F&R Task Force meeting, several issues were discussed. In the Riner and Long Shop/McCoy area there is a radio communication problem. A committee was formed to review the problems and they determine it would cost \$15,000 - \$25,000 for a temporary fix. Also discussed was the possibility of hosting one dinner to honor those fire & rescue members who will be receiving service rings.

Supervisor Muffo Virginia Bioinformatics Institute Grand Opening Supervisor Muffo attended the grand opening for the Bioinformatics Institute held on April 21, 2004 at their facility located on the Virginia Tech campus. The Institute moved into its new facilities in December 2003 and presently has \$36 million in research funding. Supervisor Muffo believes this institute will have a great impact on Montgomery County in the future.

Retired and Senior Volunteer (RSVP) Recognition Luncheon Supervisor Muffo attended the RSVP Recognition Luncheon held April 22, 2004 and stated he appreciates all the seniors who volunteer their time in the RSVP program. He was impressed by one gentleman volunteer, James Sowers, who is 95 years old and still volunteers.

Supervisor Creed Six Mile Loop Supervisor Creed reported a forestry grant was awarded to the County and Town of Blacksburg for the Six Mile Loop Trail. This will reduce the amount of funding that each locality has appropriated for the study and plan of the trail.

Merchants Capital Tax - Supervisor Creed asked the status of forming a committee to review the Merchants Capital Tax. He believes the County needs to move forward with this idea. He asked when the deadline was to change the merchants capital tax in order for the rate to go into effect January 1, 2005. The County Attorney explained that an ordinance will need to be adopted by September 2004 in order to get the land book to the Treasurer. A public hearing is required for any changes to the tax rate.

Supervisor Biggs expressed her concerns about the problems with stray cats in the county. She believes that some type of regulation for cats should exist and the County should conduct a survey on what other localities do to regulate cats.

Supervisor Gary Creed also suggested that the County review the Animal Ordinance for dogs in the incorporated area of the County being allowed to defecate on private property or public property. He

believes there should be an ordinance where the owner has to clean up after their pet.

Study - Ordinances on Cats

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of County of Montgomery, Virginia hereby directs the County Administrator to conduct a study on rules regulating cats and licensing of cats, including providing information on what similar sized counties have in place to regulate cats.

BE IT FURTHER RESOLVED, The County Attorney is directed to review Montgomery County's Animal Ordinance and the state enabling legislation and report on whether the County can make it unlawful for any owner of a dog to knowingly or willfully allow his/her dog to urinate or defecate on the private property of other persons without their consent; or knowingly or willfully allow his/her dog to defecate on public property unless the owner of the dog immediately removes the material defecated and disposes of in a safe and sanitary manner.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Steve L. Spradlin	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

Supervisor Biggs Report Continued

Board Meetings on Cable T.V. Supervisor Biggs reported several citizens have expressed their concern that they cannot hear the roll call on the votes on the video broadcast on television and suggested the secretary use a microphone.

Local Emergency Planning Committee (LEPC) - Supervisor Biggs requested Supervisor Doug Marrs be appointed to the LEPC to replace her.

LEPC - Recommendation of Appointment

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends that the Virginia Emergency Response Council appoint the following individuals to the Joint Blacksburg/Montgomery County Local Emergency Planning Committee (LEPC):

Doug Marrs
Montgomery County Board of Supervisors

755 Roanoke Street, Suite 2E
Christiansburg, VA 24073

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Steve L. Spradlin	
Annette S. Perkins	
Gary D. Creed	
John A. Muffo	
Doug Marrs	
James D. Politis	

Supervisors Biggs Report Continued:

School Board Meeting - Supervisor Biggs attended the April 20, 2004 School Board meeting. The School Board recognized the Eastern Montgomery High School Scholastic Bowl State Champions, the Eastern Montgomery High School State Champion and Runner Up in Forensics, and the Christiansburg High School Wrestling Team State Champions.

Montgomery - Floyd Regional Library Board - Supervisors Biggs attended the MFRL Board meeting on April 21, 2004. A community room usage policy has been adopted for meeting rooms in the libraries and the Library Board is still working on an Internet policy. The Library Board also requested the Board of Supervisors to consider appointing/reappointing vacancies on the Library Board by June 1, 2004, due to the fact they are reorganizing in the month of June.

Supervisor Marrs Fairview District Home Board Supervisor Marrs requested a meeting with the County Administrator and County Attorney to discuss the Fairview District Home. As Board liaison on the Fairview District Home Board, Supervisors Marrs requested legal advice on how he should handle certain issues.

Supervisor Perkins Virginia Bioinformatics Institute Grand Opening Supervisor Perkins attended the grand opening for the Virginia Bioinformatics Institute (VBI) along with Supervisor Muffo. A new wing is under construction and will add 71,560 square feet of space and an additional 200 employees. VBI researchers are working to find cures for many diseases, not just on humans but on animals and crops as well. She agrees that this institute will have a great impact on the County with the continuing growth of the facility.

Human Services Commission - Supervisor Perkins noted that many of the agencies throughout the New River Valley received the majority of their funding through the United Way, donations, and volunteers.

Planning District Commission - Supervisor Perkins reported that there are several projects through the Planning District Commission that are reviewed and funded by PDC and by Community Development Block Grants. These projects will be coming up for vote by the PDC and she will be voting no because the projects contain the New River Link Road. The Board of Supervisors is on record as opposing the Link Road until Route 114 and Route 8 are upgraded. Therefore, until the Board directs her differently, she will vote in opposition to these projects.

Nellie's Cave Park - Supervisor Perkins expressed her appreciation to County staff for taking care of several issues at the park, such as installing a gate at the park. She did note that maintenance will need to be continued.

Workforce Investment Board - Will be meeting this week.

INTO CLOSED MEETING

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community

1. Expansion of Existing Business

(7) Consultation With Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probably Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body

1. Courthouse

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Gary D. Creed
John A. Muffo
Annette S. Perkins
James D. Politis

NAY

None

OUT OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Doug Marrs
Steve L. Spradlin

NAY

None

Gary D. Creed
John A. Muffo
Annette S. Perkins
James D. Politis

CERTIFICATION OF CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Gary D. Creed
John A. Muffo
Annette S. Perkins
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

EXTEND APRIL 26, 2004 BOARD OF SUPERVISORS MEETING

On a motion by Gary D. Creed, seconded by Steve L. Spradlin and carried unanimously, the Board of Supervisors hereby extends the April 26, 2004 meeting for thirty minutes.

The vote on the foregoing motion was as follow

AYE

Steve L. Spradlin
Gary D. Creed
Doug Marrs
Annette S. Perkins
John A. Muffo
Mary W. Biggs
James D. Politis

NAY

None

INTO CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where no Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community

1. Expansion of Existing Business

(7) Consultation With Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probably Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body

1. Courthouse

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Gary D. Creed
John A. Muffo
Annette S. Perkins
James D. Politis

NAY

None

OUT OF CLOSED MEETING

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

Doug Marrs

Steve L. Spradlin

Gary D. Creed

John A. Muffo

Annette S. Perkins

James D. Politis

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs

Doug Marrs

Steve L. Spradlin

Gary D. Creed

John A. Muffo

Annette S. Perkins

James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, May 10, 2004 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Gary D. Creed	
Doug Marrs	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	
James D. Politis	

The meeting adjourned at 11:40 p.m.

APPROVED:_____ATTEST:_____
James D. PolitisB. Clayton Goodman, III

Chair

County Administrator